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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,634	07/13/2001	Ami Chand	1067.066	3397

7590

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EXAMINER

LARKIN, DANIEL SEAN

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/904,634

Applicant(s)  
CHAND et al.

Examiner  
Daniel Larkin

Art Unit  
2856



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE (1) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-73 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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*Election/Restriction*

1. No claims appear generic to a plurality of disclosed patentably distinct species comprising the following:

A scanning probe microscope having the specific cantilever disclosed on page 4, text lines 6-13.

A scanning probe microscope having the specific cantilever disclosed on page 4, text lines 14-19.

A scanning probe microscope having the specific cantilever disclosed on page 4, text lines 20-23.

A scanning probe microscope having the specific cantilever disclosed on page 4, text lines 24 and 25 through page 5, lines text 1-5.

A scanning probe microscope having the specific cantilever disclosed on page 5, text lines 6-16.

A nanomechanical tweezing apparatus disclosed on page 5, text lines 17-26 through page 6, text lines 1 and 2.

A method for interacting with a surface of a sample disclosed on page 6, text lines 3-7.

A method for interacting with a surface of a sample disclosed on page 6, text lines 7-11.

A method for interacting with a surface of a sample disclosed on page 6, text lines 11-14.

A method for interacting with a surface of a sample disclosed on page 6, text lines 14-16.

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A method for interacting with a surface of a sample disclosed on page 6, text lines 16 and 17.

A method of operating a probe that interacts with a surface of a sample disclosed on page 6, text lines 18-21.

A method of operating a probe that interacts with a surface of a sample disclosed on page 6, text lines 21-23.

A method of operating a probe that interacts with a surface of a sample disclosed on page 6, text lines 23-25.

A method of operating a probe that interacts with a surface of a sample disclosed on page 6, text lines 26 and 27 through page 7, text lines 1 and 2.

A method of operating a probe that interacts with a surface of a sample disclosed on page 7, text lines 3 and 4.

A method of operating a probe that interacts with a surface of a sample disclosed on page 7, text lines 4 and 5.

A method of operating a probe that interacts with a surface of a sample disclosed on page 7, text lines 5-7.

A method of operating a probe that interacts with a surface of a sample disclosed on page 7, text lines 8 and 9.

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A method of operating a probe that interacts with a surface of a sample disclosed on page 7, text lines 10-14.

A method of operating a probe that interacts with a surface of a sample disclosed on page 7, text lines 14-16.

A method of operating a probe that interacts with a surface of a sample disclosed on page 7, text lines 17-19.

A method of operating a probe that interacts with a surface of a sample disclosed on page 7, text lines 19-21.

A method of operating a probe that interacts with a surface of a sample disclosed on page 7, text lines 22-25 through page 8, text line 1.

A method of operating a probe that interacts with a surface of a sample disclosed on page 8, text lines 1-3.

A method of operating a probe that interacts with a surface of a sample disclosed on page 8, text lines 3-5.

A method of making a nanomechanical tweezing apparatus disclosed on page 8, text lines 6-10.

A method of making a nanomechanical tweezing apparatus disclosed on page 8, text lines 10-12.

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A method of making a nanomechanical tweezing apparatus disclosed on page 8, text lines 12-14.

A method of making a nanomechanical tweezing apparatus disclosed on page 8, text lines 14 and 15.

A method of making a nanomechanical tweezing apparatus disclosed on page 8, text lines 15 and 16.

A method of making a probe for a scanning probe microscope disclosed on page 8, text lines 17-22.

A method of making a probe for a scanning probe microscope disclosed on page 8, text lines 22-24.

A method of making a probe for a scanning probe microscope disclosed on page 8, text lines 24-26.

A method of making a probe for a scanning probe microscope disclosed on page 8, text line 26 through page 9, text lines 1 and 2.

A method of making a probe for a scanning probe microscope disclosed on page 9, text lines 3-6.

A method of making a probe for a scanning probe microscope disclosed on page 9, text lines 7 and 8.

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A method of making a probe for a scanning probe microscope disclosed on page 9, text lines 8-10.

A method of making a probe for a scanning probe microscope disclosed on page 9, text lines 13-17.

A method of making a probe for a scanning probe microscope disclosed on page 9, text lines 17 and 18.

A method of making a probe for a scanning probe microscope disclosed on page 9, text lines 18 and 19.

A assembly including an actuator as disclosed on page 9, text lines 24-26 through page 10, text lines 1-11.

Applicants are required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should Applicants traverse on the ground that the species are not patentably distinct, Applicants should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the Examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other inventions.

2. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

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currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).


3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel Larkin whose telephone number is (703) 308-6724. The Examiner can normally be reached on Monday-Friday from 7:00 AM - 4:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hezron E. Williams, can be reached on (703) 305-4705. The FAX telephone number for this Technology Center (TC 2800, unit 2856) is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Daniel Larkin

10 March 2003

  
**DANIEL S. LARKIN**  
**PRIMARY EXAMINER**